Supreme Court of Tasmania

2004/2005

ANNUAL REPORT

PRINT CONTINUE EXIT

www.supremecourt.tas.gov.au

~ The Chief Justice's Annual Report ~

FOR

The Supreme Court of Tasmania
2004 - 2005

This report is submitted pursuant to s194H of the *Supreme Court Civil Procedure Act 1932*, pursuant to which the Chief Justice is to provide a report to Parliament. This report is to include details as to the administration of justice in the Court during the current year and any other matters that the Chief Justice considers appropriate.

- ISSN 1449-146X -

THE YEAR AT A GLANCE

- **NEW CHIEF JUSTICE APPOINTED**
  The Honourable Peter George Underwood, AO is appointed as Supreme Court Chief Justice

- **LAUNCH OF THE COURT'S IMPROVED WEBSITE**
  New interactive website is launched with improved and updated information

- **FEES AND CHARGES REVIEW COMPLETED AND IMPLEMENTED**
  Supreme Court of Tasmania remains competitive nationally for court services

- **IMPLEMENTATION OF A STATEWIDE IN-COURT DIGITAL RECORDING SYSTEM**
  Audiovisual court proceedings now recorded digitally in all Supreme Courts in Tasmania

- **SUPREME COURT OF TASMANIA REMAINS ONE OF THE MOST COST EFFECTIVE COURTS IN AUSTRALIA**
  Cost per finalisation remains low in comparison to national Supreme Courts

- **A NEW JUDGE APPOINTED IN TASMANIA**
  The Honourable Shan Eve Tennent is appointed on 15th March 2005

THE YEAR AT A GLANCE

CRIMINAL COURT

Appeals	25
Originating matters	535
Finalised Appeals	24
Finalised First Instance	525

CIVIL COURT

Appeals	159
Personal Injury	313
Corporations Law	17
Debt Recovery	235
Winding up Apps.	4
Other	621
Finalised Appeals	33
Finalised First Instance	1744

PROBATE

Grants of Probate	1866
Grants of L of A	186
Reseal	16

CONFERENCE SETTLEMENTS

Personal Injuries (MVA)	50
Personal Injuries (IND)	41
Contract	18
TFM	9
De Facto	30
Building	2
Other	37
Conferences not settled	135

NEW CHIEF JUSTICE

The Honourable
Peter George Underwood, AO
is appointed Chief Justice
of the Supreme Court on
2nd December 2004

THE SUPREME COURT OF TASMANIA IN PROFILE

ABOUT THE COURT

The Supreme Court of Tasmania (the Court), created by the Charter of Justice Act 1823, is the oldest Supreme Court in Australia and forms part of a multi-layered court system, which exercises both federal and state jurisdictions. The Court is the superior court of the State and is equal in status to, but independent of, the Legislature and the Executive.

The Court is constituted currently by six Judges. The Court is supported by the Master, Registrar and 50 administrative staff.

THE STRUCTURE OF THE COURT

Court systems throughout Australia are hierarchical with most states adopting three levels of courts;

- Magistrates (or local) Courts
- County or District Courts
- Supreme Courts

In Tasmania, there are only two levels in the Court hierarchy being the Magistrates Courts and the Supreme Court.

The Court is divided into three broad areas of operation namely criminal, civil and appeal matters.

Criminal matters are those in which an accused person is charged with an indictable offence. Upon entry of a plea of not guilty, an indictable offence is tried by a judge and jury of twelve persons.

In civil matters, the Court determines disputes involving sums in excess of $20,000. Such trials are usually conducted by a judge sitting alone, although provision does exist for some cases to be tried by a judge and a jury of seven persons.

Appeals from the decisions of a single judge, or a judge and jury, are heard by a bench of three or more judges. This court is called the Court of Criminal Appeal when sitting in criminal matters and called the Full Court when sitting in civil matters. There is provision enabling an appeal to be heard by only two judges.

THE JURISDICTION OF THE COURT

The Court exercises both original and appellate jurisdiction. Original jurisdiction is when a matter comes before the Court for a decision for the first time and appellate jurisdiction is when the Court determines appeals from single judges, from the Magistrates Court or from various tribunals where there exists a right to appeal to the Supreme Court.

THE SUPREME COURT OF TASMANIA IN PROFILE

MEDIATION

Only a very small percentage of civil cases require resolution by a hearing in the Court. Most of these cases settle at mediation. The Registrar is the principal mediator assisted by other court officers and selected legal practitioners. The Court has a power to direct that a case be referred to mediation before it will be listed for trial. Court-annexed mediation is a very popular and successful means of resolving civil disputes. It provides expedition, saves costs and produces a just result. Without it the Court would not be able to cope with its caseload.

THE REGISTRIES OF THE COURT

The Court operates civil, criminal, probate and district registries.

CIVIL REGISTRY

The Civil Registry receives and processes all documents lodged in the civil jurisdiction of the court and is the first point of reference for enquiries from the public and the legal profession. This registry also receives and processes appeals to the Full Court and single judge appeals. It also has responsibility for the management of the Court's records and the listing and case management functions for the court's civil and appellate jurisdictions.

CRIMINAL REGISTRY

The Criminal Registry receives and processes documents lodged by the Director of Public Prosecutions which initiate criminal proceedings, lists criminal trials and other hearings, receives and processes applications for leave to appeal and prepares appeal documentation for use by the Court of Criminal Appeal as well as receiving and processing applications to review decisions from the Magistrates Court and State Tribunals.

PROBATE REGISTRY

The Probate Registry deals with applications for grants of probate, letters of administration and other related matters. It is responsible for determining, on application for a grant of representation, what document or documents constitute the last will of the deceased and/or who is entitled to be the legal personal representative of the deceased.

Most of these applications are decided without a court hearing. If there is a dispute, it is heard and determined by the Court in the same way as all other civil cases are heard and determined. When these determinations have been made, a grant is issued to the legal personal representative of the deceased person.

DISTRICT REGISTRIES

The Court maintains registries in Launceston and Burnie to deal with civil and criminal matters.

THE SUPREME COURT OF TASMANIA IN PROFILE

THE JUDGES AND THE MASTER

JUDGES

Judges of the Supreme Court are appointed by the Governor on the advice of the Executive Council (a council of State Ministers including the Premier) from the ranks of barristers and solicitors who have at least 10 years standing in their profession.

The bench of the Supreme Court currently consists of the Chief Justice and five other judges, known as "puisne judges". This is an Anglo-French term meaning subordinate and pronounced "puny".

MASTER

The Master of the Supreme Court is appointed by the Governor in the same manner as a judge. The Master assists the judges in conducting the civil jurisdiction of the Court. For instance, the Master deals with interlocutory, that is procedural, applications in civil matters before they come on for trial.

Recently, this jurisdiction has been extended to include hearing and determining many cases that formerly could only be heard by a judge. This legislative change has assisted the capacity of the Court to manage its case load.

The Supreme Court Act 1887, s2, provides that the Court consists of a maximum of seven judges. Six judges presently constitute the Court. Those presently holding office are:

THE CHIEF JUSTICE

The Honourable
Peter George Underwood AO

THE JUDGES

The Honourable Ewan Charles Crawford

The Honourable Pierre William Slicer

The Honourable Peter Ethrington Evans

The Honourable Alan Michael Blow OAM

The Honourable Shan Eve Tennent

MASTER

Mr Stephen Holt

FULL BENCH OF THE SUPREME COURT 2005

Back L-R: The Honourable Shan Eve Tennent, The Honourable Peter Ethrington Evans, The Honourable Ewan Charles Crawford, The Honourable Peter George Underwood AO, The Honourable Pierre William Slicer, The Honourable Alan Michael Blow OAM
Front L-R: Mr Ian Ritchard, Mr Stephen Holt

THE JUDICIAL YEAR IN REVIEW

OVERVIEW

An essential element for every free democratic society is an independent judiciary; one that has the support of the community it serves, and one that is able to uphold the rule of law and administer justice fairly, efficiently and in accordance with the law. Paradoxically, although freedom from interference from other arms of government is the foundation stone that underpins the independence of the judicial arm, without the support of the executive, there would be no judiciary at all. As less developed countries have found, without salaries, paper, books, chairs, computers and the like, there would be no judiciary at all. So in this respect the judiciary is totally dependent upon the executive government, moreover, an executive government that understands the importance of providing the resources necessary to enable the judiciary to function properly, and at the same time not interfere in its work. In my experience, although the Supreme Court could always use more resources than are provided, Tasmanian governments have always understood these principles.

In return, the Court has a duty to use the resources provided by the executive in an efficient and cost effective manner and accordingly, it is appropriate that the Court accounts to the people of Tasmania through the Parliament for its stewardship of those resources - hence this annual report. However, those reading this report need to bear in mind that the true measure of the work of the Court is qualitative. Has the Court acted justly, impartially, without fear or favour and in accordance with the law.

Although the Court is accountable to the Parliament for its management of the resources provided to it, it is only answerable to the law for the discharge of its constitutional obligations. As the Chief Justice of Western Australia once said:

> *"Although Judges are the servants of the public they are not public servants. The duty of a judge is not to give effect to the policy of the government of the day, but to administer justice in accordance with law, without fear or favour and without regard to the polices of the executive government."*

Although I have been Chief Justice for only six months of the year under review I have been on the Bench for the past 20 years, and can report that the year has been a busy one for all of us. The pressure of work always increases markedly when the Court is faced with hearing a long case, as it was for the first half of the current year. My predecessor commenced to hear a civil dispute in April 2004 that occupied him exclusively until his retirement at the end of that year. With a Court of only six judges this reduced the judicial resources available to deal with the ordinary work load by 17 %.

THE JUDICIAL YEAR IN REVIEW

Although the primary focus is on the judges, none of us would be able to discharge the obligations of judicial office without the assistance of the Registrar, Mr Ian Ritchard and his staff. Each one of us at the Supreme Court is dependent upon the others. The administrative staff constitutes a team dedicated to providing excellence in the administration of justice. I express my sincere thanks to each one of them for a great job well done.

FAREWELL TO THE CHIEF JUSTICE THE HONOURABLE WILLIAM JOHN ELLIS COX, AS, RFD, ED

The 1st of December 2004 marked the retirement of the former Chief Justice, the Honourable William John Ellis Cox, from the Supreme Court in order to assume the role of Governor of Tasmania. The former Chief Justice held office as Chief Justice of the Supreme Court since 4th September 1995, a period in excess of nine years. He had been a member of the Court since 2nd February 1982, a total of 23 years.

On behalf of all Tasmanians I thank him for his distinguished and dedicated service and contribution to the law. We all wish him well.

On a personal note I thank him for all that he has done during his term in office and his friendship.

I wish the former Chief Justice well in his new role.

A NEW JUDGE

On 15 March 2005 the Honourable Justice Shan Tennent was sworn in as a judge of the Supreme Court of Tasmania. Prior to her appointment Justice Tennent served as a magistrate in this State for nine years. The judges of the Court welcome her to the Bench and express the wish that she finds the duties of her office rewarding.

NEW JUDGE APPOINTED

The Honourable Shan Eve Tennent
is appointed on 15th March 2005

THE JUDICIAL YEAR IN REVIEW

AN ACTING JUDGE

As I was due to take long leave for the months of June, July and August the Attorney-General kindly provided the Court with an acting judge to relieve the pressure of work that would be created by my absence. On 23 May 2005 Deputy Chief Magistrate Michael Hill was sworn in as an acting judge of this court for six months. The Court expresses its appreciation to Acting Justice Hill for agreeing to accept this appointment and, thus, provide the Court with valuable assistance.

THE COURT AND THE COMMUNITY

The Court continues to strive for excellence in the provision of judicial services to the greater community and also works hard at increasing the public's awareness and understanding of the justice system.

During the month of June 2005, the improved Supreme Court website was launched which was designed to provide the Tasmanian community with a wide range of information about the Court and the judicial process. The improved website provides up to date published sentences and judgments and a selection of recent speeches delivered by the Court's judges.

The website is both informative and interactive, with a section for the reader to provide feedback and even book a tour of the Court directly online. The Law List is published daily.

The Court is also proud of its judges participating in external activities that benefit the wider community. These activities include participating on the Board of Legal Education and holding senior positions such as Chairman of the Board for the United Nations Human Rights Education Committee. Judges also teach graduate trainees in the University's Professional Legal Training Program and assist in an Adult Education program called "In the Judges Chambers", which gives participants an insight into the inner workings of the Court.

JUDICIAL EDUCATION

The judges are committed to continuing legal education to maintain and enhance their skills necessary for their judicial work. Justice Tennent, along with all newly appointed judges, has attended the National Judicial Orientation program conducted by the National Judicial College of Australia and the Australian Institute of Judicial Administration.

In addition, judges have attended and presented at a number of seminars and conferences on subjects related to their judicial work.

I would like to see the staff of the Court being given the opportunity to take part in continuing education particularly relating to judicial administration.

JUDGE

On the 23rd May 2005, Depty Chief Magistrate Michael Hill is sworn in as Acting Judge.

THE JUDICIAL YEAR IN REVIEW

TECHNOLOGY AND THE COURT

Over the course of the year there has been substantial technological upgrading of all courtrooms throughout the State. Desktop computers are now installed at all associate's desks and all judges' benches have the facility to access the Justice network via a laptop. This development gives the judge immediate access to a huge electronic library, transcripts and the like, while sitting in Court.

Of particular note this year was the replacement of the antiquated analogue recording system that had dutifully recorded court proceedings onto cassette tapes for over twenty years. This system was replaced with a state of the art digital audio and visual recording system that has greatly improved the quality of the court recordings and has increased the productivity of transcription services.

Technology has also improved services for the hearing impaired through the Court's introduction of infrared hearing loops in all courtrooms across the State. Also voice re-enforcement from the witness box has greatly assisted the public's participation in the Court process.

JURIES

The Juries Act 2003 will come into force on the 1 January 2006. This will provide a number of improved procedures to the jury system. A growing number of jurors are seeking to be exempted because the level of remuneration offered to them would cause economic hardship. If the jury is to truly reflect the community, the remuneration should be such as to enable jurors not to be substantially out of pocket. The judges have recommended that jurors' remuneration be increased to a maximum of the average wage of Tasmanians.

REVIEW OF FEES AND CHARGES

Following representation from the Attorney-General and on the recommendation of the Costs and Fees Standing Committee, the Rule Committee agreed to substantially increase the fees in civil litigation, probate and sheriff's fees to reflect the average of fees charged in other states. With the agreement of Government the additional revenue collected will fund improvement in court technology. The first project to be undertaken is the Civil Registry Management System.

THE JUDICIAL YEAR IN REVIEW

COURT SECURITY

Over three months from December 2004, the Court significantly upgraded all aspects of physical security throughout Supreme Court sites State-wide. This upgrade included the installation of internal and external closed circuit television and the upgrading of distress buttons. Motion detectors were also employed at all sites and a state-of-the-art digital access control system was installed for all perimeter doors and public area barriers.

In addition, the Courts worked closely with the Prison Service to ensure all security upgrades within the cells area were on point.

SIGNIFICANT REMEDIAL WORK

The Court was able to address some significant remedial building work through departmental funding over the course of the year. These works concentrated on the completion of the building fire detection system in the Hobart Supreme Court and the replacement of the emergency lighting in the Launceston Supreme Court. A complete fire door upgrade also got underway during the period.

Although the Court has been fortunate to obtain funding to enable these projects to be undertaken I am concerned that, as part of the Court's budgetary process, there are insufficient funds in the Court's budget to properly maintain the fabric of these important public buildings. The Strategic Assets Management Plan, which was endorsed by the judges, sets out a number of defects inherent in the design in the courts in Launceston, Burnie and Hobart. These include disability access, juror security, security generally and inefficient design to meet the needs of the modern court user. The lack of air conditioning in the Launceston Supreme Court has caused considerable difficulty, particularly in the summer months. I would like to see a long term plan developed to examine the feasibility of the development of court complexes to house all State (and possibly Commonwealth) courts and tribunals and to obtain the benefits of multi use facilities.

LOOKING FORWARD

There is always room for improvement. As mentioned later in this report, I shall give attention during the next reporting period to improving the process from arrest to disposition in the Court in the case of indictable offences. The exercise is designed not only to shorten the time frame but also to reduce costs and to reduce the demands on police time getting cases ready for trial.

In the next reporting period consideration will be given to the allocation of judicial resources to Burnie and Launceston for civil work. The long-standing practice of providing a judge for blocks of four consecutive weeks to hear civil cases in the two centres is no longer required.

The Judicial Year in Review

Thought will be given to how the demand for court time to hear civil cases in Launceston and Burnie can be met more efficiently and at the same time utilise judicial resources to ensure that criminal matters are dealt with expeditiously.

In the longer term the Court must consider whether the arrangements for Court sittings need to be changed to better meet the demand. Thanks to the success of the mediation programme referred to earlier in this report, and the growth of Tribunals such as the Resource Management and Planning Appeal Tribunal, the Court does less and less trial work and more and more appellate work. As a result there is less time in court but more time out of court writing judgments.

The current arrangement of court sitting times goes back more than fifty years and needs to be re-arranged to suit modern conditions.

A major project that aims to implement a significant improvement in how the Court manages the Civil Court casework is perhaps one of the most exciting key initiatives for 2006. The Civil Registry Management Computer System will improve the efficiency of the civil justice system by providing tools with which to better case manage matters, simplify the administration of cases and provide transparency to the entire process.

A significant upgrade of video conferencing facilities in the Criminal Courts is planned for implementation in the coming period. This will see the introduction of large screens in the courtrooms in conjunction with new video conferencing equipment and will mean an end to shuffling trials back and forth from the one courtroom that currently is fitted with this technology.

COURT ADMINISTRATION - PERFORMANCE

OVERVIEW

The work of the Supreme Court is divided into two major jurisdictional areas - criminal matters and civil matters. Unlike many other Supreme Courts, the Court is not divided into divisions. All judges hear matters, at first instance and on appeal, in both jurisdictions. In addition, the Court sits in three locations - Hobart, Launceston and Burnie.

The workload of the Court is subject to fluctuations that are beyond the ability of the Court to control. The nature of the legal process requires that any matter falling within the jurisdiction of the Court may be brought before it. As the jurisdiction of the Court expands and contracts with statutory changes, so does its workload.

THE COURTS PERFORMANCE

Objectives for court administration for the reporting year were:

- To be open and accessible
- To process matters in an expeditious and timely manner
- To provide due process and equal protection before the law
- To be independent yet accountable to Parliament for performance

A framework of performance indicators adopted by the Court supports the above objectives. The performance indicator framework is summarised as follows:

Fees Paid By Applicants
An indicator of access that measures the average fees paid per lodgement.

Backlog Indicator
A measure of timeliness that relates the age of the Court's pending caseload to timeliness standards.

Attendance Indicator
A measure of effectiveness that records the number of attendances by the parties or their representatives, for each finalised matter.

Judicial Officers
The number of judicial officers is a measure of resources and also indicates access to the judicial system.

Clearance Rate
A measure of whether the Court is keeping up with its workload.

Cost Per Finalisation
A measure of efficiency that shows the average net recurrent expenditure per finalisation.

COURT ADMINISTRATION - PERFORMANCE

The Results

Equity - Fees Paid By Applicants

This indicator of access shows the average fees per lodgement. Court fees are only part of the costs faced by applicants (with legal fees being more significant). Court filing fees relate to civil cases.

TABLE 4.1

Average Civil Court Fees Collected per Lodgement 2004-05 ($)

Supreme Court (excluding probate)

2004-05	365
2003-04	119
2002-03	119

Supreme Court Probate

2004-05	283
2003-04	108
2002-03	101

Commentary

The Court undertook a full review of its fees and charges in 2003-04 as direct comparisons with other states clearly showed that Tasmania was not keeping pace with national fee structures and trends. A new fees and charges structure was implemented in July 2004.

As a result of this review, fees and charges across the board were increased and this is reflected in the table adjacent. It is interesting to note that in Tasmania average fees per lodgement remain the most competitive nationally."

Court Administration - Performance

Effectiveness – timeliness and delay

There are two indicators of timeliness and delay: backlog and attendance. The backlog indicator measures the Court's pending caseload against time standards. The national standards have been set as follows:

- No more than 10 per cent of lodgements pending completion are to be more than 12 months old.
- No lodgements pending completion are to be more than 24 months old.

COURT ADMINISTRATION - PERFORMANCE

Commentary

The Court is committed to reducing the backlog in both the first instance and appeal matters and has considered this a priority in the reporting period. Timeliness can be affected by delays caused by factors other than those related to the Court's direct workload. More efficient use of judicial resources within the period has seen a 9% improvement in those pending first instance cases greater than twelve months old.

The Court is also committed to reducing the time taken to finalise a charge for an indictable crime from the moment of arrest until finalisation. Achievement of this commitment will involve not only the Court, but also Tasmania Police, the Director of the Magistrates Courts. It will be a major project for the next reporting period.

The Court is well within the national standard for appeal matters and approaching the national standard for first instance matters. On a national basis, the Court is performing significantly better than other States, although it is important to note that other states operate with different court hierarchies and direct comparisons are difficult to make.

TABLE 4.2

Backlog Indicator Criminal Jurisdiction, 2004-05

Supreme Court First Instance

	2002-03	%	2003-04	%	2004-05	%
Pending caseload (no)	263	-	233	-	235	-
Cases > 12mths	39	15	50	21	28	12
Cases > 24mths	9	3	2	1	3	1

Supreme Court Appeal

	2002-03	%	2003-04	%	2004-05	%
Pending caseload (no)	15	-	9	-	8	-
Cases > 12mths	1	7	0	0	0	0
Cases > 24mths	0	0	0	0	0	0

COURT ADMINISTRATION - PERFORMANCE

Commentary

The percentage of matters pending greater than 12 months and 24 months is unacceptably high. This Court has only recently introduced full case management in all matters other than personal injury and it will take some time for the statistics to reflect these changes. The Court is committed to ensuring that matters resolve in a timely and cost effective manner. The initiatives outlined in other parts of this report should substantially improve the timeliness of civil proceedings and the introduction of the civil computer system will enable these initiatives to be monitored and evaluated.

TABLE 4.3

Backlog Indicator
Civil Jurisdiction, 2004-05

Supreme Court First Instance

	2002-03	%	2003-04	%	2004-05	%
Pending caseload (no)	2042	-	2043	-	1889	-
Cases > 12mths	1601	78	990	48	915	48
Cases > 24mths	960	47	548	25	523	28

Supreme Court Appeal

	2002-03	%	2003-04	%	2004-05	%
Pending caseload (no)	164	-	182	-	123	-
Cases > 12mths	34	21	29	16	12	10
Cases > 24mths	9	5	11	6	0	0

COURT ADMINISTRATION - PERFORMANCE

TABLE 4.4

Attendance Indicator, 2004-05

Supreme Court average attendances per finalisation

	2002-03	2003-04	2004-05
Criminal Jurisdiction	5.8	5.8	6.2

Commentary

The Attendance Indicator for the Court is considered elevated in comparison with Supreme Courts on a national basis. This is largely due to the current system employed for remanding offenders to appear at the following Court sitting period. Although remanding an offender is technically considered an appearance, it does cloud the result with the net number of appearances being significantly reduced and on par with national trends.

Retention of the remand day procedure will be reviewed as part of the enquiry aimed at reducing the time taken from charge to final disposition of indictable offences.

COURT ADMINISTRATION - PERFORMANCE

TABLE 4.5

Judicial Officers, Full Time Equivalent, 2004-05

Supreme Court number of FTE judicial officers

	2002-03	2003-04	2004-05
Criminal & Civil Jurisdictions	7	7	6.8

Effectiveness - Judicial Officers

The Judicial Officers indicator represents resources or number of officers who can make enforceable orders of the Court. It also indicates access to the judicial system.

Commentary

The number of full time judicial officers has remained constant over the three preceding periods. A slight reduction in 2004-05 was due to a several month gap in replacing the Honourable Peter George Underwood, AO following his appointment as Chief Justice.

COURT ADMINISTRATION - PERFORMANCE

TABLE 4.6

Clearance Rate (finalisations/lodgements) All Matters, 2004-05

Supreme Court, % clearances excluding probate matters

	2002-03	2003-04	2004-05
Criminal Jurisdiction	115.2	94.8	98.0
Civil Jurisdiction	123.4	124.9	131.7
Total Court	121.4	116.8	121.8

Efficiency – Clearance Rate

The Clearance Rate is a measure that indicates whether the Court is keeping up with its workload. The indicator denotes the number of finalisations in the reporting period as a percentage of the number of lodgements for the same period. A result of 100% means that the Court is keeping up with its caseload.

Commentary

The adjacent table highlights an excellent performance for the Court in efficiency terms with a Civil jurisdiction clearance rate exceeding 100%, therefore reducing the pending caseload overall.

The Criminal Jurisdiction is approaching the ability to deal completely with the inflow of cases in a given period and it is again pleasing to note that nationally the Court's performance in this area exceeds those of interstate courts.

COURT ADMINISTRATION - PERFORMANCE

TABLE 4.7

Net Expenditure Per Finalisation, 2004-05 ($)

Supreme Court

	2002-03	2003-04	2004-05
Criminal Jurisdiction	5,392	7,372	8,580
Civil Jurisdiction	998	1,291	1,244

Efficiency – Cost Per Finalisation

This indicator is a measure of efficiency. Cost is measured as net recurrent expenditure excluding payroll tax. Net expenditure refers to expenditure minus income (where income is derived from the Court's fees and charges).

Commentary

Net expenditure for the Court has steadily increased for each of the three previous periods due predominantly to increases to salaries and wages and operating costs in general from year to year.

It is anticipated that this general increase will continue into future periods as salaries, wages and operating costs continue to rise.

Operating Account - Effective Year ending 30 June 2005

RECEIPTS	Note	2003-04 Actual	2004-05 Actual
Recurrent Appropriation		3,377,405	3,614,549
Registry Fees & Collections	1	194,290	492,100
Provision of Transcript	1	12,397	78,372
Probate Fees & Charges	1	224,694	585,485
Mediation Fees	1	0	74,325
Sheriff's Fees		6,813	6,065
Court Reporting		38,869	44,690
Collections		6,660	2,185
Video Conferencing		17,992	15,413
Recoveries of Salary		0	400
TOTAL RECEIPTS		**3,879,120**	**4,913,584**

EXPENDITURE	Note	2003-04 Actual	2004-05 Actual
Employee Expenses			
Salaries & Wages etc		1,934,798	1,951,512
Fringe Benefits Tax		16,349	17,381
Payroll Tax		130,883	134,082
Superannuation		197,308	201,274
Worker Compensation Insurance		3,859	3,994
Training		0	6,168
Other Employee Related		0	0
TOTAL EMPLOYEE RELATED		**2,283,197**	**2,314,411**

Operating Account - Effective Year ending 30 June 2005

ADMINISTRATION & OTHER EXPENSES	Note	2003-04 Actual	2004-05 Actual
Fuel, Light & Power		140,656	147,972
Advertising & Recruitment		610	2,075
Rental		9,252	9,737
Communications		78,426	81,816
Travel		60,401	55,485
Consultancies		17,276	50,946
Printing & Stationary		29,352	29,195
Rates	2	46,530	127,528
Other Administration		82,621	86,437
Repairs & Maintenance	3	169,441	271,980
Minor Equipment		20,913	22,696
Library Materials		78,288	83,648
Computers & IT		166,142	198,551
Expenses of Witnesses		74,376	69,095
Expenses of Jurors		273,329	272,570
Other Expenses		4,462	5,875
TOTAL ADMINISTRATIVE & OTHER EXPENSES		1,252,075	1,515,606
TOTAL EXPENDITURE		**3,535,272**	**3,830,017**

OVERHEAD CONTRIBUTION BY THE DEPARTMENT OF JUSTICE

	Note	2003-04 Actual	2004-05 Actual
OVERHEAD CONTRIBUTION BY DOJIR		**368,000**	**361,343**

OPERATING ACCOUNT - EFFECTIVE YEAR ENDING 30 JUNE 2005

RESERVED BY LAW PAYMENTS RECEIVED (SALARIES OF JUDICIAL OFFICERS)

	NOTE	2003-04 ACTUAL	2004-05 ACTUAL
Salaries & Other Entitlements of Judges		1,736,288	1,831,380
Salary & Other Entitlements of The Master		253,215	269,267
TOTAL		**1,989,503**	**2,100,647**

STATUTORY MAINTENANCE PAYMENTS RECEIVED

	NOTE	2003-04 ACTUAL	2004-05 ACTUAL
Statutory Maintenance		**43,721**	**39,425**

NOTES TO FINANCIAL STATEMENTS

Note 1 Supreme Court fees increased

Note 2 Change of calculation by Councils for rates

Note 3 Includes portion of expense of digital recording and security upgrade